THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.20888 of 1999

Dated:05.07.2006

Between:

A.S.Babu.

…Petitioners

and

Govt. of A.P.Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad, and others.

…Respondents

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ORDER:

The petitioner at the relevant time was working in Indian Air Force. He purchased 600 square yards of land in Survey No.105, situated at Suraram Village, Quthbullapur Mandal limits, Ranga Reddy District, for construction of a house. He alleges that some unscrupulous persons erected structures in the form of building and compound wall at one end of the 30 feet wide public road situated on the southern side of his house. Therefore, he made a representation on 18.11.1995 to the third respondent to remove the encroachment on the road. The second respondent also directed the third respondent to take action in the matter, in vain. Therefore, he filed the present writ petition.

The petitioner also referred to a suit, being O.S.No.316 of 1990, on the file of the Court of the Principal Senior Civil Judge, Ranga Reddy District, filed by Sheikh Hyder and others claiming a right in respect of the land in Survey No.105, which was dismissed by the trial Court on 30.11.1997, and subsequently, A.S.No.131 of 1998 was filed before the District Court.

The Commissioner of the third respondent-Municipality has filed a counter affidavit. The allegation that construction was made on 30 feet wide road blocking the passed is admitted. It is also stated that the Municipality issued notices on 08.05.1995 and 17.05.1995 to one B.Narasimha Reddy to demolish the structures on the road. He did not remove the structures and filed an application seeking regularization as per the guidelines issued by the Government in G.O.Ms.No.243, dated 22.05.1996. The Municipality rejected the said application for regularization. Thereafter, Narasimha Reddy filed a suit, being O.S.No.2 of 1998, and obtained *ad interim* injunction in I.A.No.2 of

1998, on the file of the Court of the Junior Civil Judge, Medchal. Therefore, the Municipality could not take further action in view of the interim orders.

As the petitioner's allegation that there was an encroachment on the road by Narasimha Reddy was admitted and the Municipality has also taken action, but could not proceed further in view of the orders passed by the Court of the Junior Civil Judge, in I.A.No.2 of 1998 in O.S.No.2 of 1998, this writ petition is disposed of directing the third respondent to take appropriate action against the encroachers on the road, if the suit is already disposed of by the Medchal Court. If the suit is still pending, the third respondent may approach the Civil Court for expeditious disposal of the suit.

The Writ Petition, with the above observations and directions, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

05.07.2006
vs